

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY COLBURN, *et al.*,

Defendants.

Case No. 1:19-cr-10080-NMG

**DEFENDANTS' MOTION FOR LEAVE
TO FILE MOTION *EX PARTE* AND UNDER SEAL**

Defendants Elisabeth Kimmel, Gamal Abdelaziz, and John Wilson (“Defendants”) respectfully move this Court for leave to file a motion *ex parte* and under seal (“Submission”).

As grounds for the motion, Defendants state that they request to file the Submission *ex parte* and under seal because it relates to a motion an *ex parte* and under seal Rule 17(c) subpoena, the subject matter of which would reveal confidential trial strategy to the government. *See United States v. Diamont*, Case No. 1:05-cr-10154, ECF No. 33, slip op. at 5 (D. Mass. Nov. 22, 2005) (Dien, M.J.) (“[E]x parte proceedings are available under Rule 17(c) both based on the language of the Rule and for policy reasons.”).

WHEREFORE, Defendants respectfully request that their motion to file the Submission *ex parte* and under seal be GRANTED.

Respectfully submitted,

/s/ Cory S. Flashner

R. Robert Popeo (BBO No. 403360)
Mark E. Robinson (BBO No. 423080)
Eóin P. Beirne (BBO No. 660885)
Cory S. Flashner (BBO No. 629205)
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1605 (telephone)
(617) 542-2241 (fax)
rrpopeo@mintz.com
merobinson@mintz.com
epbeirne@mintz.com
csflashner@mintz.com

Counsel for Elisabeth Kimmel

/s/ Robert L. Sheketoff

Robert L. Sheketoff (BBO No. 457340)
One McKinley Square
Boston, MA 02109
(617) 367-3449
sheketoffr@aol.com

Counsel for Gamal Abdelaziz

/s/ Michael Kendall

Michael Kendall (BBO No. 544866)
White & Case LLP
75 State Street
Boston, MA 02109
617-979-9310
michael.kendall@whitecase.com

Counsel for John Wilson

Date: January 5, 2021

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Cory S. Flashner, hereby certify that counsel for Defendants did not confer with counsel for the government regarding this motion as the underlying Submission would be made *ex parte* and under seal.

/s/ Cory S. Flashner

Cory S. Flashner

CERTIFICATE OF SERVICE

I, Cory S. Flashner, hereby certify that on January 5, 2021, I filed the foregoing with the United States District Court for the District of Massachusetts using the CM/ECF system and caused it to be served on all registered participants via the notice of electronic filing.

/s/ Cory S. Flashner

Cory S. Flashner